

Exhibit “A”

20-012236-NO FILED IN MY OFFICE Cathy M. Garrett WAYNE COUNTY CLERK 9/18/2020 12:27 PM Laverne Chapman

NEIL A. MILLER, P.C.

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

DENISA DAJLANI,

Plaintiff,

Case No.: 20-
Hon.

-NO

vs.

WAL-MART STORES EAST, LP,
A Foreign Limited Partnership,

Defendant.

NEIL A. MILLER, P.C.
NEIL A. MILLER (P25645)
Attorneys for Plaintiff
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Troy, MI 48084
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A civil action between these parties or other parties arising out of the same transaction or occurrence alleged in the complaint has been previously filed in Wayne County Circuit Court. The docket number and assigned judge is 20-012052-NO, Hon. Craig Strong. This case is currently pending.

COMPLAINT AND DEMAND FOR JURY TRIAL

NOW COMES the Plaintiff, DENISA DAJLANI, by and through her attorneys, NEIL

A. MILLER, P.C. and for her Complaint against the Defendants states as follows

COMMON ALLEGATIONS

1. Plaintiff is a resident of the City of Inkster, Wayne County, Michigan.
2. Defendant, Wal-mart Stores East, LP (hereafter referred to as Wal-mart) is a foreign limited partnership in the state of Delaware.

3. Defendant, Wal-mart owns and operates a retail store located at 5851 Mercury Drive, in Dearborn, Wayne County, Michigan.

4. On September 18, 2017, Plaintiff Denisa Dajlani was present in the Defendant's retail store located at 5851 Mercury Drive, in Dearborn, Wayne County, Michigan, for purposes of shopping for and purchasing merchandise. As such she was a business invitee of Defendant.

5. As Plaintiff was shopping in and near the electronics department, three shelves fell from store fixture anchorages and onto her left arm causing an injury.

6. Unbeknownst to Plaintiff Defendant had attached the shelves to their fixtures in a precarious and dangerous manner such that they were able to fall from its anchorages and on to her left arm.

7. Defendant knew or should have known of the perilously attached shelves and that the premises were in a condition that was not reasonably safe for business invitees or constituted a nuisance.

8. The amount in controversy, exclusive of costs, interest, or attorney fees exceeds \$25,000 and is otherwise within the jurisdiction of this Honorable Court.

COUNT I
PREMISES/STORE KEEPER'S LIABILITY

9. Plaintiff incorporates by reference paragraphs 1 through 8.

10. At all relevant times, Defendant was a "storekeeper" as that term is utilized in the common law state of Michigan.

11. As a storekeeper Defendant had a common law duty to provide a reasonably safe store for its customers.

12. Given the Plaintiff's status as business invitee, defendant is liable for injuries resulting from unsafe conditions caused by the active negligence of its employees, or if other

NEIL A. MILLER, P.C.

wise caused, were known to the store keeper, or of such character or existing for such length of time that the storekeeper should have had knowledge of same.

13. Defendant breached its duty and was negligent in one or more of the following ways:

- a. failing to maintain the premises in a reasonably safe condition;
- b. failing to adequately inspect, and/or assess the premises for hazards;
- c. failing to advise and/or instruct Plaintiff of potential hazards, and implementing means to minimize the risk of injury from those hazards;
- d. failing to use locking devices, guards or other devices to stabilize display shelves and prevent them from falling; and
- e. failing to create and enforce suitable safety standards for construction, maintenance, repair and inspection of display shelves.

14. One or more of Defendants' negligent acts or omissions was a legal and proximate cause of Plaintiff's injuries.

15. As a result of Defendants' negligence Plaintiff has and will in the future suffer from the bodily injuries including, but not limited to injury to her arm, physical and mental pain and suffering need for medical and care and services, medical monitoring, loss of enjoyment of life and its activities, loss of past and future earning capacity, disability, humiliation, and embarrassment.

16. As a result, Plaintiff has and will in the future incur expenses for medical care, services, and supplies, and will likely incur additional medical expenses for therapy, and/or rehabilitation.

COUNT II: NUISANCE

17. Plaintiff incorporates by reference paragraphs 1 through 16.

18. Defendants improperly operated and maintained their premises so that it constituted a nuisance to Plaintiff and others on the premises and continues to be a nuisance in the following ways:

- a. the precarious display of merchandise on unstable shelves and fixtures poses a hazard of injury to Plaintiff and others on the premises; and
- b. the premises were in a state of disrepair that posed a hazard or injury to Plaintiff and others on the premises.

19. The creation and maintenance of this nuisance by Defendants was a legal and proximate cause of the injuries and damages to Plaintiff.

WHEREFORE, Plaintiff requests that this court award compensatory damages that will fully and fairly compensate her against the Defendants, jointly and severally, for her injuries, losses, and damages, in excess of \$25,000, plus costs, interest, attorney fees, and other relief that is fair, just and equitable under the circumstances.

Respectfully submitted,

NEIL A. MILLER, P.C.

/s/ Neil A. Miller

By:

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Dated: September 18, 2020

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DEMAND FOR JURY TRIAL

NOW COMES the Plaintiff, by and through her attorneys, NEIL A. MILLER, P.C. and
hereby demands a Trial by Jury of the within matter.

Respectfully submitted,

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By: /s/Neil A. Miller
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Dated: September 18, 2020